IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 476 of 2006

LR' RATAN LAL
V/S
LR' RAMAKANT

Mr. GANGA RAM FOR MR.SANJAY MATHUR, for the appellant / petitioner

Date of Order : 12.12.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant and perused the impugned judgment.

Both the learned courts below have decreed the plaintiff's suit for eviction on the ground of reasonable and bonafide necessity by deciding the questions of comparative hardship and partial eviction against the appellant.

The findings recorded by the learned courts below are pure finding of fact and are not vitiated on any of the grounds available under Section 100 CPC. The appeal having no force and is dismissed summarily.

At the request of the learned counsel for the appellant, the appellant is given six months' time to

vacate the suit premises on the condition that the defendant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the appellant in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellant fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith. This granting of six months' time will be effective only if the appellant has not already been dispossessed.

(N P GUPTA),J.

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